



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 10

Flehr Hohbach Test
Albritton & Herbert
Suite 3400
Four Embarcadero Center
San Francisco, CA 94111-4187

COPY MAILED

JUL 07 2003

OFFICE OF PETITIONS

In re Application of :
Richard E. Riley :
Application No. 10/081,123 : DECISION GRANTING PETITION
Filed: February 21, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. A-70431/ESW :

This is a decision on the petition, filed June 10, 2003, under 37 CFR 1.137(b), and supplemented on June 23, 2003, to revive the instant nonprovisional application.

The petition is GRANTED.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country on February 21, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) to revive for failure to timely notify the Office of the filing of an application in a foreign country must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m);
and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

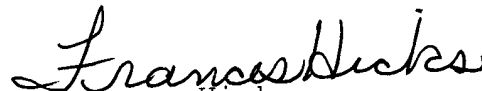
A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 9, 2003 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Latrice Bond at (703) 308-6911.

This application is being forwarded to Technology Center Art Unit 1772 to await a reply to the Non-Final Office action mailed May 15, 2003. Failure to timely reply will again result in the abandonment of the application.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Frances Hicks
Petitions Examiner

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request